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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/686,025 | 10/14/2003 | Bernard Andreas | 021629-002000US | 4965 |

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| EXAMINER | |
|---|---|
| TRUONG, KEVIN THAO | |
| **ART UNIT** | **PAPER NUMBER** |
| 3734 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/14/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/686,025 | ANDREAS ET AL. | |
| | Examiner | Art Unit | |
| | Kevin T. Truong | 3734 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *19 October 2007 and 19 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *16-28* is/are pending in the application.

4a) Of the above claim(s) *25-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

***Note: This is in response to amendment filed 10/19/2007 and furthermore, Terminal disclaimers filed 10/26/2007 have been received and made of record.***

### *Election/Restrictions*

*1.* Applicant's election without traverse of species of 1-3F, claims 16-24 and 26 are corresponding to the elected species 1-3F in the reply filed on 06/27/2006 is acknowledged. Note that claim 26 should be withdrawn from consideration due to depend on a non-elected claim 25 (as point out by Applicant in the Response to Restriction requirement dated 06/27/2006).

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by McDonald et al. (U.S. 6,090,136).

McDonald et al discloses substantially as claimed in figures 7 and 8, a method for delivering a plurality of stent segments (118) comprising the steps of positioning a distal portion of the stent delivery catheter (120) with stent segments (130) disposed within its lumen; moving a first sheath (126) to deploy a first selected number of the stent segments (118) at a first treatment site; repositioning the stent delivery catheter to a second treatment site to delivery a

second selected number of the stent segments (118) which spaced apart from the first treatment site, wherein the first selected number is different than the second selected number; wherein a balloon (col. 15, lines 2-13) causes the first and second selected stent segments to expand at different treatment sites.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al. (U.S. 6,090,136) in view of Heyn et al. (U.S. 5,201,757).

McDonald et al discloses a single sheath as stated above except for first and second sheaths on the catheter device. However, Heyn et al. teaches in figures 4 and 5 that it is known in the surgical art to use first and second sheaths (20,30) for deployment of a stent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonal et al's single sheath with first and second sheaths as taught by Heyn et al in order to permit radial expansion of the stent only over its medial region while the sheaths continue to contain the axially outward regions of the stent.

### *Response to Arguments*

4. Applicant's arguments filed 04/19/2007 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 16 and 22 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin T. Truong
Primary Examiner
Art Unit 3734

ktt